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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 07/01/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/440,468

Applicant(s)

FEBVRE ET AL.9

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/17/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 13-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12,26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9,15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, filed 5/30/03, with respect to claims 1, 6 and 10 have been considered but are moot for the same reasons as set forth in the previous rejection.
2. Applicants request, page 8 first paragraph, that the Examiner issue a non-final Action because the stated rejection under 102(b) instead of 102(e). The examiner admits this is a typo error. However, the examiner disagrees to issue a non-final Action, because the cited reference made under statute 102 rejection regardless 102(b) or 102(e) and forced the applicants amending the claims.
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3 and 5-11 and 26-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Tanno et al. (US Patent 6,078,572).

Regarding claims 1 and 6, Tanno et al. disclose a method of controlling transmissions by a group of wireless transceivers, comprising:

transmitting to each of said group a status reporting command (see col.2 lines 14-17); and

receiving status reports from said group of transceivers in an access channel shared (see col.5 lines 3-12 and col.7 line 25 through col.8 line 30) with other transceivers in said group at intervals determined according to said status reporting command (col.2 lines 18-20).

Regarding claims 3, 8 and 11, Tanno et al. disclose the capacity of said channel is shared between said status reports and data transmitted by one or more of said group according to a channel allocation scheme transmitted to said transceivers (see col.3 lines 1-32).

Regarding claims 5 and 9, Tanno et al. disclose said status reports indicate a quantity of data awaiting transmission by the respective transceivers (see col.7 lines 25-35).

Regarding claim 10, Tanno et al. disclose transmitting a status report in an access channel shared with other transceivers indicating an amount of data awaiting transmission by said transceiver and the required transmission time of at least some of data (see col.2 lines 14-20 and col.7 line 25 through col.8 line 30).

Regarding claim 26, Tanno et al. disclose a method of controlling transmission by a wireless transceiver in a channel shared with transmission by other transceivers, comprising:

Monitoring (34) data transmitted to said transceiver;

Predicting (35), on the basis of said monitoring step, a demand for capacity in said channel by said transceiver; and

Transmitting to said transceiver an allocation signal indicating an allocation in said channel determined according to said predicted demand (see col.2 lines 15-20 and col.20 lines 1-4).

Regarding claim 27, Tanno et al. disclose generating a statistical (35) model based on previous traffic flow to and from wireless transceivers, wherein the demand for capacity is predicted according to said statistical model.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanno et al. and further in view of Chuah (US Patent 6,327,254).

Regarding claim 4, Tanno et al. fail to disclose the intervals indicated by said status reporting commands are determined according to the demand by the transceivers for capacity in said channel.

Chuah discloses the intervals indicated by said status reporting commands are determined according to the demand by the transceivers for capacity in said channel (see abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tanno et al. with the above teaching of Chuah in order to provide remote terminals divided into one or more separate groups for purposes of uplink and downlink transmission, with each group having a different priority and receiving a different system virtual time (as suggested by Chuah, see col.5 lines24-32).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanno et al. and further in view of Usui et al. (US Patent 6,430,172).

Regarding claim 12, Tanno et al. fail to disclose said status report includes:  
a length field indicating the amount of data awaiting transmission;

a start time field indicating the required transmission time of a first portion of said data awaiting transmission; and

and end time field indicating the required transmission time of a last portion of said data awaiting transmission.

Usui et al. disclose the amount of data awaiting transmission (see col.7 lines 11-20); a start time field (see col.8 lines 63-65) and end time field (see col.9 lines 1-2).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tanno et al. with the above teaching of Usui et al. in order to provide a constant transfer rate is obtained without being affected by an increase or decrease of traffic.

### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

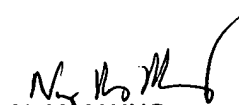
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN  
June 24, 2003

  
NAY MAUNG  
PRIMARY EXAMINER